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Attorney for Defendant-Appellant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
Plaintiff-Appellee,  
vs.

Marcus D. McCarver,  
Defendant-Appellant.

No. CR 08-1281-PHX-MHM

**MOTION TO VOLUNTARILY  
DISMISS APPEAL**

Defendant-Appellant Marcus D. McCarver, moves to voluntarily dismiss his appeal. Defendant's signed request to withdraw his appeal is attached as Exhibit A. The notice of appeal was filed on October 29, 2008. Defendant-Appellant is in custody.

It is not expected that excludable delay under Title 18 U.S.C. § 3161(h)(8)(A) may occur as a result of this motion or from an order based thereon.

Respectfully submitted this 23<sup>rd</sup> day of December, 2008.

Park Law Office, PLC

s/ James Sun Park  
JAMES SUN PARK  
Attorney for Defendant

The foregoing Motion to Voluntarily Dismiss  
Appeal and Proposed Order<sup>1</sup> filed  
via ECF this 23<sup>rd</sup> day of December, 2008.

Copy of the foregoing mailed this 23<sup>rd</sup> day of  
December, 2008 to:

**Marcus D. McCarver**

by J.S. Park  
James Park

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<sup>1</sup>Attached as Exhibit B.